

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HERBERT S. OLSON,

Plaintiff(s),

v.

SAMUDRA PRIYA DIAS,

Defendant(s).

No. C 08-3382 PJH

**ORDER SCHEDULING CASE
MANAGEMENT CONFERENCE**

The complaint was filed in this case on July 14, 2008 by counsel for plaintiff and a summons for defendant was issued. Several weeks later, plaintiff substituted himself pro per as counsel. On August 14, 2008, the summons was reissued. On January 28, 2009, plaintiff filed a proof of service noting service on defendant on September 5, 2008.

On July 24, 2009, the case was reassigned to the undersigned judge because defendant had not appeared and thus there was not unanimous consent to the jurisdiction of the magistrate judge to whom this case was originally assigned. By order dated August 5, 2009, an initial case management conference was scheduled for August 27, 2009. When plaintiff failed to appear at the conference, and order to show cause was issued.

At the hearing on September 10, 2009, the order to show cause was discharged and plaintiff was directed to pursue defendant's default if he wished to proceed. Plaintiff's November 5, 2009 request for clerk's entry of default against defendant was granted and default was entered as to Samudra Priya on November 9, 2009. Plaintiff has not yet, however, filed a motion for default judgment and the case remains pending.

On December 14, 2009, the court received a letter signed by Priya Dias which states: "We are requesting to represent ourselves (Pro-se) in case number 4:09-cv-03382-

PJH. We have filed for electronic registration and sent via US Mail for permission to respond. I contacted you [sic] assistant Valerie asking for the correct mailing address for our response.” It is not clear to the court exactly what relief pro se defendant Dias is requesting, given that his default has already been entered and no request to vacate the default has been filed. However, given that the matter is still pending and the amount of time that has transpired, and given that both parties are proceeding without counsel, the court schedules a case management conference for **January 7, 2010, at 2:00 p.m., Courtroom 3, Oakland Courthouse, 1301 Clay, Oakland, CA.** Both plaintiff Herbert Olson and defendant Samudra Priya Dias must appear in person or risk sanctions including dismissal.

IT IS SO ORDERED.

Dated: December 15, 2009



PHYLLIS J. HAMILTON
United States District Judge